

Order

Michigan Supreme Court
Lansing, Michigan

December 17, 2010

Marilyn Kelly,
Chief Justice

141672

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 141672
COA: 292602
Wayne CC: 08-003062-FH

ROBERT WILLIAM DUNCAN,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the July 6, 2010 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action. MCR 7.302(H)(1). At oral argument, the parties shall address whether the trial court abused its discretion in granting the defendant a new trial, for the reasons stated in the Court of Appeals dissenting opinion.

We ORDER the Wayne Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint attorney Mark M. Haidar, if feasible, to represent the defendant in this Court. If the defendant is not indigent, he must retain his own counsel.

Within 42 days of determining who will represent the defendant in this Court, defense counsel shall file a brief addressing the issue described above.

CAVANAGH, J., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 17, 2010

Corbin R. Davis

Clerk